

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Confirmation No. 3192

Vincent et al.

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METHOD AND SYSTEM FOR TRANSMITTING/RECEIVING MULTIMEDIA
CONTENTS VIA A RADIOCOMMUNICATION NETWORK

BRIEF ON APPEAL

Appeal from Group 2419

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Alcatel, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 019905, Frame 0161.

II. RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 7-9, and 11-26 are on appeal.

Claims 1, 7-9, and 11-26 are pending.

Claims 1, 7-9, and 11-26 are rejected.

Claims 23-26 are objected to.

IV. STATUS OF AMENDMENTS

An Amendment After Notice of Appeal was filed August 14, 2011, amending dependent claims 23-26 to comply with requirements of form expressly set forth in the Claim Objections on page 9 of the Final Office Action of December 17, 2010. The Amendment was filed prior to the date of the filing of this Appeal Brief per 37 CFR §41.33. Due to its recent filing, Appellants do not know whether the Amendment has been, or will be, acted upon by the Examiner. The pending claims 1, 7-9, and 11-26 provided in the CLAIMS APPENDIX reflect the amendments of dependent claims 23-26 that were made in this Amendment.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method for a transmission system to transmit multimedia content to a plurality of mobile terminals over a radiocommunication network, (see at least page 3, lines 9-13, page 4, line 22 - page 5, line 2).

The method of claim 1 includes a first step of a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service (see at least page 5, lines 25-30) transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification including an identifier specific to a content (see at least page 6, lines 30 to page 7, line 5) over a dedicated point-to-point transmission channel to a plurality of mobile terminals (see at least page 6, lines 25-30), wherein the plurality of mobile terminals registered with the MMSC server as interested in the content prior to the first step (see at least page 6, lines 30-33).

The method of claim 1 includes a second step of the MMSC server transmitting a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, the broadcast request including the content in its entirety and the identifier (see at least page 7, lines 6-10).

The method of claim 1 includes a third step of the BM-SC server broadcasting a message including the content over a broadcast channel (see at least page 7, lines 11-15).

Independent claim 11 is directed to a method of reception of multimedia content by mobile terminals adapted to communicate via a radiocommunication network with a

point-to-point content transmission multimedia messaging services center (MMSC) server (see at least page 3, lines 9-13, page 4, line 22 - page 5, line 2)

The method of claim 11 includes a first step of mobile terminals receiving an identifier specific to a multimedia messaging services (MMS) content from said MMSC server in an MMS-standardized point-to-point link notification over a dedicated point-to-point radiocommunication network transmission channel (see at least page 6, lines 25 to page 7, line 5), wherein said mobile terminals registered with said MMSC server as being interested in said MMS content prior to said first step (see at least page 6, lines 30-33).

The method of claim 11 includes a second step of the MMSC server transmitting the MMS content in its entirety and said identifier in an MMS broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service (see at least page 7, lines 6-10).

The method of claim 11 includes a third step of said mobile terminals receiving a message from said BM-SC server over a broadcast channel including said MMS content and said identifier, (see at least page 7, lines 11-15).

Independent claim 17 is directed to a method for a transmission system to transmit multimedia content to a plurality of mobile terminals over a radiocommunication network, (see at least page 3, lines 9-13, page 4, line 22 - page 5, line 2).

The method of claim 17 includes a first step of a first server adapted to provide a point-to-point content transmission service transmitting a point-to-point link notification including an identifier specific to a content over a dedicated point-to-point transmission channel over a radiocommunication network transmission channel to a plurality of

mobile terminals (see at least page 6, lines 25 to page 7, line 5), wherein said plurality of mobile terminals registered with said first server as interested in said content prior to said first step (see at least page 6, lines 30-33).

The method of claim 17 includes a second step of said first server transmitting a broadcast-request to a second server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier (see at least page 7, lines 6-10).

The method of claim 17 includes a third step of said second server broadcasting a message including said content over a broadcast channel (see at least page 7, lines 11-15).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1. Claims 1, 7, 9 and 14-15 are rejected as having been obvious under 35 U.S.C. §103(a) over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) in view of US PGPub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US PGPub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US PGPub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut).

2. Claims 11 and 12 are rejected as having been obvious under 35 U.S.C. §103(a) over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut and in further view of US PGPub 2004/0198279 to Anttila et al. (hereinafter Anttila).

3. Claims 17 and 22 are rejected as having been obvious under 35 U.S.C. §103(a) over Lipsanen in view of Fingerhut.

VII. ARGUMENT

- A. Claims Claim(s) 1, 7, 9 and 14-15 Would Not Have Been Obvious under 35 USC 103(a) Over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut.

1. Claim 1

- a. Lipsanen does not teach a point-to-point link notification

Claim 1 claims a first step of a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification including an identifier specific to a content over a dedicated point-to-point transmission channel to a plurality of mobile terminals, wherein said plurality of mobile terminals registered with said MMSC server as interested in said content prior to said first step.

The Examiner asserts Lipsanen teaches a first step of a server adapted to provide a point-to-point content transmission service transmitting a point-to-point link notification over a dedicated point-to-point transmission channel to a plurality of mobile terminals, wherein said plurality of mobile terminals registered with said server as interested in said content prior to said first step.

Appellants respectfully disagree. Lipsanen teaches a very different method of obtaining broadcast transmission information than what is claimed in claim 1, using request-response messaging, to respond to a mobile terminal's request for broadcast information. As stated on page 7 of Lipsanen, when one wants to view a broadcasted TV program, either one currently playing or a subsequent program, they must initiate

the request-response messaging by sending a request to obtain the service parameters of the broadcast. (emphasis added)

The mobile terminal accesses a portal page hosted on a Telecom/Portal server 120 and sends a "get n" message to the server 120, in the form of a request, at step 310, requesting broadcast information in the form of service parameters. In response, the server 120 sends the service parameters to back to the mobile terminal in a response message at step 335. The response message is not the claimed point-to-point link notification.

- b. Lipsanen does not teach transmitting a point-to-point link notification over a dedicated point-to-point transmission channel to a plurality of mobile terminals in a first step, wherein said plurality of mobile terminals registered with said MMSC server as interested in said content prior to said first step

Lipsanen teaches a step, step 335 shown in Figure 3 and discussed on page 10, lines 1-3, in which a server transmits a response message to a single mobile terminal that has just requested the service parameters. The Examiner asserts Lipsanen discloses multiple terminals receiving services. However, in Lipsanen, each mobile terminal makes the request in a step, step 310 shown in Figure 3 and discussed on page 9, lines 24-26, and each request is handled individually, when received, by sending the response to the mobile terminal with the broadcast service parameters.

Lipsanen does not teach or suggest sending a point-to-point link notification to a plurality of mobile terminals in one step.

The scheme taught by Lipsanen does not teach or suggest sending such a notification to a plurality of mobile terminals in the same step, since each request-response is handled individually and immediately. Lipsanen teaches that each individual request is responded to immediately, citing this advantage on page 10, lines 27-30.

In contrast, the claimed notification message is sent to a plurality of mobile terminals in the first step, which have expressed an interest in the content prior to the first step. As described on page 6 of the Application, the terminals that receive this notification expressed an interest in its content through subscriptions, or as a result of a promotional campaign, etc.

The Examiner contends that the claimed step does not define a boundary such as time that would exclude the request-response scheme taught by Lipsanen being handled individually. Appellants respectfully disagree. The temporal boundary of the first step is defined by the mobile terminals having registered with said MMSC server as being interested in the content prior to the step. In Lipsanen, this is defined by each "get-n" request sent by each individual terminal.

The individual and immediate handling of requests taught by Lipsanen does not teach or suggest this claim limitation.

- c. There is no teaching, suggestion or motivation to combine Lipsanen with Kuisma

The Examiner further states that although Lipsanen teaches a server, a point-to-point content transmission and a point-to-point link notification, Lipsanen is silent on a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification. However, the Examiner asserts Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a terminal (as shown in Fig. 1) and MMSC transmitting a multimedia message to a terminal (as discussed in paragraph [0042]).

The Examiner asserts that multimedia messaging services (MMS) standard is a well known standard for having a MMSC server adapted to provide point-to-point content transmission service and a multimedia messaging services (MMS)-standardization of a point-to-point link notification. The Examiner further contends it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial activity. Thus, it would simply have been obvious to one of ordinary skill in the art to apply the MMS standard to the system of Lipsanen to improve industrial applicability. Appellants respectfully disagree.

Lipsanen does not teach or even suggest the use of multimedia messaging services (MMS) for its telecom portal 120. The telecom portal 120 merely provides a mobile terminal some degree of interactive control over actively obtaining information that is to be broadcast. Kuisma does not teach or suggest broadcasting multimedia messaging services. The MMS-standardized communications taught by Kuisma apply to messages that are sent to the terminal by the MMSC in a conventional manner.

Combining the teaching of Lipsanen with Kuisma would require far more engineering, design and inventive activity than simply applying a standard protocol, as

asserted by the Examiner. One of ordinary skill in the art would not be motivated to combine the teachings of the disparate technologies taught by Lipsanen and Kuisma. For this reason, the Examiner has not made a prima facie case of obviousness in rejecting claim 1 as being obvious over Lipsanen in view of Kuisma.

- d. Lipsanen in combination with Kuisma does not teach or suggest a first step of a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification including an identifier specific to a content over a dedicated point-to-point transmission channel to a plurality of mobile terminals, wherein said plurality of mobile terminals registered with said MMSC server as interested in said content prior to said first step

The Examiner further states that although Lipsanen teaches a server, a point-to-point content transmission and a point-to-point link notification, Lipsanen is silent on a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification. However, the Examiner asserts Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a terminal (as shown in Fig. 1) and MMSC transmitting a multimedia message to a terminal (as discussed in paragraph [0042]).

Appellants respectfully submit, however, that Kuisma also teaches an individual mobile terminal request-response messaging scheme, one which uses an M-NOTIFIC-REQ message sent as a request by a mobile terminal, and an M-NOTIFIC-IND message sent as a response to the specific M-NOTIFIC-REQ message. The claimed

sending of a point-to-point link notification message, in a first step, to a plurality of mobile terminals having registered with an MMSC server as interested in said content prior to said first step, is not taught or suggested by Kuisma, since each request is handled individually and each is performed quite close in time to the mobile terminal's request. Therefore, the combination of Lipsanen and Kuisma does not teach or suggest this claim limitation.

- e. There is no teaching, suggestion or motivation to combine Lipsanen with the teachings of Fingerhut since it would destroy the intended purpose of Lipsanen

The Examiner asserts the combination of Lipsanen in view of Kuisma and in further view of Kim is silent on the claimed second step of said MMSC server transmitting a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier. The Examiner contends, however, that it would be obvious to a person of ordinary skill in the art at the time of the invention to modify the Lipsanen in view of Kuisma and in further view of Kim with the teaching of Fingerhut to achieve this claim limitation.

Appellants respectfully disagree. Lipsanen teaches "if the content is hosted on Telecom Server 120, it is retrieved and sent to the terminal through the UMTS/GPRS network 110, as shown by step 320 in Figure 3 and discussed on page 9, lines 27-31. Modifying Lipsanen with the teachings of Fingerhut would destroy this intended purpose of Lipsanen, because Lipsanen would then send the data stored on Telecom Server

120 to a Broadcast Server 130 rather than send it to the terminal in a point-to-point transmission as intended. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In e Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). For this reason, the Examiner has not made a prima facie case for combining the teachings of Fingerhut with Lipsanen in view of Kuisma and in further view of Kim, but has merely used improper hindsight.

For these reasons, Appellants respectfully request that the Board reverse the rejection of claim 1 under 35 USC 103(a) over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut.

B. Claims 11 and 12 Would Not Have Been Obvious under 35 USC 103(a) Over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut and in further view of Anttila.

1. Claim 11

Independent claim 11 is patentable over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut and in further view of Anttila for the same reasons as all of those provided above with regard to claim 1.

For these reasons, Appellants respectfully request that the Board reverse the rejection of claim 11 under 35 USC 103(a) Over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut and in further view of Anttila.

C. Claims 17 and 22 Would Not Have Been Obvious under 35
USC 103(a) Over Lipsanen in view of Fingerhut.

1. Claim 17

Claim 17 is patentable under 35 USC 103(a) over Lipsanen in view of Fingerhut for similar reasons as those provided above, in A. 1. a., A. 1. b, and A. 1. e., with respect to claim 1.

For these reasons, Appellants respectfully request that the Board reverse the rejection of claim 17 under 35 USC 103(a) over Lipsanen in view of Fingerhut.

CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1, 7-9, and 11-26 are in condition for allowance. For all of the above reasons, Appellant respectfully requests this Honorable Board to reverse the rejections of claims 1, 7-9, and 11-26.

August 15, 2011

Respectfully submitted,



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APPENDICES

VIII. CLAIMS APPENDIX:

Claims involved in the Appeal are as follows:

1. (Previously Presented) A method for a transmission system to transmit multimedia content to a plurality of mobile terminals over a radiocommunication network comprising:

a first step of a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification including an identifier specific to a content over a dedicated point-to-point transmission channel to a plurality of mobile terminals, wherein said plurality of mobile terminals registered with said MMSC server as interested in said content prior to said first step;

a second step of said MMSC server transmitting a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier; and

a third step of said BM-SC server broadcasting a message including said content over a broadcast channel.

2. (Previously Presented) The transmission method according to claim 1, wherein, in said first step, said identifier sent to said plurality of mobile

terminals is accompanied by a value corresponding to a waiting time for reception of said content by said plurality of mobile terminals and if said waiting time passes without said plurality of mobile terminals receiving said content, said plurality of mobile terminals requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel.

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Previously Presented) The transmission method according to claim 1, wherein said MMS-standardized point-to-point link notification is M-Notification.ind.

8. (Previously Presented) The transmission method according to claim 1, wherein said identifier includes uniform resource identifier information serving as a unique identifier.

9. (Previously Presented) The transmission method according to claim 1, further comprising said MMSC server transmitting a decryption key to

said plurality of mobile terminals for use by said plurality of mobile terminals in decrypting said content.

10. (Canceled)

11. (Previously Presented) A method of reception of multimedia content by mobile terminals adapted to communicate via a radiocommunication network with a point-to-point content transmission multimedia messaging services center (MMSC) server, said method comprising:

a first step of mobile terminals receiving an identifier specific to a multimedia messaging services (MMS) content from said MMSC server in an MMS-standardized point-to-point link notification over a dedicated point-to-point radiocommunication network transmission channel, wherein said mobile terminals registered with said MMSC server as being interested in said MMS content prior to said first step;

a second step of said MMSC server transmitting said MMS content in its entirety and said identifier in an MMS broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service; and

a third step of said mobile terminals receiving a message from said BM-SC server over a broadcast channel including said MMS content and said identifier.

12. (Previously Presented) The reception method according to claim 11 further comprising:

said mobile terminals receiving a decryption key over said dedicated point-to-point radiocommunication network transmission channel; and

said mobile terminals utilizing said decryption key to decrypt said MMS content.

13. (Previously Presented) The reception method according to claim 11 further comprising:

said mobile terminals receiving a value accompanying said identifier corresponding to a waiting time for reception of said MMS content, wherein if said waiting time passes without said mobile terminals receiving said MMS content, said mobile terminals requesting to download said MMS content from said MMSC server via said dedicated point-to-point radiocommunication network transmission channel.

14. (Previously Presented) The transmission method according to claim 7 further comprising:

said MMSC server receiving an M-NotifyResp.ind acknowledgement message from said plurality of mobile terminals receiving said M-Notification.ind message.

15. (Previously Presented) The transmission method according to claim 14 wherein said second step occurs upon receiving said M-NotifyResp.ind acknowledgement messages.

16. (Previously Presented) The reception method according to claim 11 further comprising:

said mobile terminals receiving a value accompanying said identifier corresponding to a waiting time for reception of said MMS content, wherein if said waiting time passes without said mobile terminals receiving said content, said mobile terminals requesting to download said MMS content from said MMSC server via said dedicated point-to-point radiocommunication network transmission channel.

17. (Previously Presented) A method for a transmission system to transmit multimedia content to a plurality of mobile terminals over a radiocommunication network comprising:

a first step of a first server adapted to provide a point-to-point content transmission service transmitting a point-to-point link notification including an identifier specific to a content over a dedicated point-to-point transmission channel over a radiocommunication network transmission channel to a plurality of mobile terminals, wherein said plurality of mobile terminals registered with said first server as interested in said content prior to said first step;

a second step of said first server transmitting a broadcast-request to a second server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier; and

a third step of said second server broadcasting a message including said content over a broadcast channel.

18. (Previously Presented) The method of claim 17, wherein said identifier includes uniform resource identifier information serving as a unique identifier.

19. (Previously Presented) The method of claim 17 wherein said first server is a multimedia messaging services center (MMSC) server and said second server is a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server.

20. (Previously Presented) The method of claim 19 wherein said point-to-point link notification is a multimedia messaging services (MMS)-standardized point-to-point link notification M-Notification.ind message.

21. (Previously Presented) The method according to claim 17 wherein, said identifier is accompanied by a value corresponding to a waiting time for reception of said content by said plurality of mobile terminals, wherein at least one of said plurality of mobile terminals requesting to download said content via said dedicated point-to-point transmission channel when said waiting time passes without said at least one of said mobile terminals receiving said content.

22. (Previously Presented) The method according to claim 17, further comprising said first server transmitting a decryption key to said mobile terminal for use in decrypting said content.

23. (Previously Presented) The transmission method according to claim 1, wherein said plurality of mobile terminals indicate interest in said content in the context of a promotional campaign.

24. (Previously Presented) The transmission method according to claim 1, wherein said plurality of mobile terminals indicate interest in said content through subscriptions.

25. (Previously Presented) The reception method according to claim 11, wherein said plurality of mobile terminals indicate interest in said content in the context of a promotional campaign.

26. (Previously Presented) The reception method according to claim 11, wherein said plurality of mobile terminals indicate interest in said content through subscriptions.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE